IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 260 OF 2005

Smt.Chandrabai Kisan Vete
and others. ... Appellants.

V/s.

The City and Industrial
Development Corporation of
Maharashtra Ltd. and others. ... Respondents.

D.V.Pawar for the appellants.

R.M.Sawant for the respondents.

CORAM : A.S. OKA, J.

DATED : 1st March 2005.

P.C :

. This Appeal is preferred by the original Plaintiffs for challenging the judgment and order dated 20th September 1999 by which Application for temporary injunction made by the Plaintiffs - Appellants has been rejected. From 20th September 1999 there is no ad-interim relief operating in favour of the Appellants - Plaintiffs. The relief of temporary injunction is a discretionary relief. As there is no order operating in favour of the Appellants - Plaintiffs for last more than five years, at this stage no interim order can be passed. As the suit is of the year 1998, the trial Court can be directed to hear the same expeditiously.

2. Hence Appeal is disposed of by directing that the Special Civil Suit No.572 of 1998 shall be heard and decided by the learned trial Judge as expeditiously as possible and in any event on or before 31st December 2005.

3. It is made clear that the findings which are recorded by the learned trial Judge while passings impugned order are only tentative findings recorded for the limited purpose for considering the prayer for interim relief and, therefore, the learned trial Judge is directed to hear and decide the suit without being influenced by the findings recorded in the impugned order.

4. The parties and the concerned Court to act on an authenticated copy of this order.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1721 OF 2000
IN
APPEAL FROM ORDER NO. 260 OF 2005

Smt.Chandrabai Kisan Vete
and others. ... Appellants.

V/s.

The City and Industrial
Development Corporation of
Maharashtra Ltd.
and others. ... Respondents.

D.V.Pawar for the appellants.

R.M.Sawant for the respondents.

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P.C :

. In view of disposal of the Appeal, this civil application does not survive. Civil application is rejected.

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